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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,741	10/03/2003	Hassan Mostafavi	2018721-7012094003	6107

55499 7590 04/06/2007  
VARIAN MEDICAL SYSTEMS TECHNOLOGIES, INC.  
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THREE EMBARCADERO CENTER  
SAN FRANCISCO, CA 94111-4067

EXAMINER
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RAMIREZ, JOHN FERNANDO

ART UNIT	PAPER NUMBER
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3737

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20061212

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see the attached Requirement for Information. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

John F. Ramirez  
Patent Examiner  
Art Unit: 3737

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 44-49, 68-74, and 76-79 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 11, 2006.

### **37 CFR 1.105 REQUIREMENT FOR INFORMATION**

Applicant (or the assignee of this application if the assignee has undertaken the prosecution of the application) is required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

There are numerous other co-pending applications and issued patents, which disclose and claims very similar and/or identical subject matter. In accordance with 37 CFR 1.105 and MPEP 704.11 (a) subsection G, applicant (or the assignee) is respectfully requested to disclose all co-pending applications and related patents (please see the non-exhaustive list below of applications and issued patents that the USPTO believes may be related) and identify the specific claims of those applications and/or patents which may present double patenting issues with the instant application claims. This requirement is reasonably necessary to examination because, based on

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an initial review of the applications, there is a significant degree of overlap in claimed subject matter, thus requiring an analysis of commonality of claimed subject matter to determine patentability under 35 USC 101 double patenting and/or obviousness type double patenting. Because the applicant (or the assignee) is presumably far more cognizant of the contents of the claims in these applications than any Office staff, and has access to the source documents by which such comparison could be done better than within the Office, it is reasonable to require the applicant to provide the information needed to determine the commonality among the claims.

Should applicant (or the assignee) believe that Double Patenting exists, then applicant (or the assignee) is invited to file Terminal Disclaimers and/or amend the currently pending claims in the interest of expediting the prosecution of the current application. Applicant (or the assignee) should note that a terminal disclaimer is effective to overcome an obviousness type double patenting rejection, but will not overcome a "same type" double patenting rejection under 35 U.S.C. § 101.

Non-exhaustive list of possible related co-pending applications and patents:  
U.S. Serial No. 09/178,385 filed October 23, 1998 now U.S. Patent No. 6,279,579;  
U.S. Serial No. 09/178,383 filed October 23, 1998 now U.S. Patent No. 6,621,889;  
U.S. Serial No. 09/178,384 filed October 23, 1998 abandoned;  
U.S. Serial No. 09/712,724 filed November 14, 2000 now U.S. Patent No. 6,690,965;  
U.S. Serial No. 09/893,122 filed June 26, 2001 now U.S. Patent No. 6,937,696;  
U.S. Serial No. 09/940,679 filed August 27, 2001;

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U.S. Serial No. 10/234,658 filed September 3, 2002 now U.S. Patent No. 6,973,202;

U.S. Serial No. 10/305,416 filed November 25, 2002 now U.S. Patent No. 6,980,679;

U.S. Serial No. 10/327,603 filed December 20, 2002;

U.S. Serial No. 10/664,534 filed September 16, 2003 now U.S. Patent No. 6,959,266;

U.S. Serial No. 10/957,009 filed September 30, 2004;

U.S. Serial No. 11/105,884 filed April 13, 2005;

U.S. Serial No. 11/116,699 filed April 27, 2005; and

U.S. Serial No. 11/218,960 filed September 1, 2005.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F. Ramirez whose telephone number is (571) 272-8685. The examiner can normally be reached on (Mon-Fri) 7:30 - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFR  
12/13/06

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